1947-48 **File No.** 9019/36

A CLASS P.W. **DEPARTMENT** E **BRANCH** (II)

Subject:— Temporary Service —
Conditions for the termination of-

V

A

File No. 9019/36-E(II)

Ltd. Scott. Slip. 24 A

G.R., G.D., No. 2408, dated 22-6-22.]

Correspondence

DOCKET SHEET

Subject :—

File No. 9019/36

P. XV. **DEPT.**

1(1) **BRANCH.**

References :—

Date	To whom sent.	Notes and instructions.

2456-3,000-7-46-R4 P.W.D.143e.
G.R., P.W.D., No.S-63/2858, dated 20-2-33.

DECLARATION

To be signed by employes on the Temporary Establishment of the Public Works Department as required by Rule 570 of the Bombay Public Works Department Manual.

I hereby declare that I clearly understand that my employment in the office of the Engineer as On the Temporary Establishment is on the footing of a monthly servant, and carries with it absolutely no claim to pension or to any absentee allowances, beyond those conditionally given to temporary employees under the Bombay Civil Services Rules Manual or any orders on the subject issued by Government from time to time.

2, If dismissed otherwise than for serious misconduct before the completion of the work, I will be entitled to a month's notice or a month's pay in lieu of notice but otherwise, with or without notice, my employment terminates when the work ends. If I desire to resign my appointment I will be required to give a month's notice of my intention to do so, or forefeit a month's pay in lieu of such notice.

Dated 194.

Witness-

Dated 194.

9019/36
4636

P. W. D.

E.B. (II).

Submitted (together with Serial No.45190).

2. A copy of this Deptt. form (No.P.W.D. 143-e) regarding the declaration to be taken from the tempy. Govt. servants is put up. This form required the temporary employee to give a month's notice to his employer or forfeit a month's pay in lieu of such notice before resigning his tempy. appointment.

3. A new form of declaration of tempy. employment has, however, since been prescribed in para. 4 of G.C. , P.& S.D., No. 1581/34, dated the 9th August 1947. This form makes no such specific provision as that mentioned at A in para . 2 above. The S.E., B.C., recommends such a provision being made in the new form in order to have a hold on the tempy. Govt. servant. The S.E.'s view may be agreed to and his letter transferred to the P. & S.D. for issuing necessary orders. The necessary draft is put up. The P.& S.D. may, however, see the papers u.o. first.

4. The Architect to Govt. (Jr.) states that under the G.C. quoted above all temporary apptts. i.e. those already made and those to be made in future are to be considered as made 'until further orders' (so that their services can be terminated at any time without notice) after taking a written undertaking from them in the form laid down in para. 4 of that Cir. The Architect may be informed that a written undertaking may be taken in the said form from the existing as well as the future incumbents of tempy. posts. The necessary draft is put up which may issue after the papers are received back from the P.& S.D.

5. As reg. the Architect'w view that a tempy. Govt. servant whose services are liable to be terminated at any time without notice, should be at liberty to give up his appointment without notice, that officer may be informed as per paragraph 2of the proposed draft letter to him. The Political and Services Department may see this draft also before issue.

Id/-
10.12.47
U.O. to the P & S.D.

Id/-
10/12/47
dt.11-12-47.

4/

Poll. and Services Deptt.
"D" Branch.

Please see G.R. P & S.D., No.1581/34, dated 9.8.47. Para 4 of the Circular prescribes a form of undertaking to be taken from a temporary Govt. servant whose appointment is to be made "until further orders". According to the prescribed form the temp. Govt. servant is called upon to stipulate that he should give a month's notice if he desires to resign his appointment. The Superintending Engineer, S.C. in his letter dated the 28.10.47 suggests that in the form referred to above the following may be added:

" If I desire to resign my appointment I will be required to give a month's notice of my intention to do so or forfeit a month's pay and allowances in lieu of such notice".

This the Superintending Engineer states, will be give Govt. a hold on the temp. servant. He has made this suggestion as the form of undertaking prescribed under para.88 (ii) of P.W.D. Manual Volume I includes such an undertaking. The form will be found at page 1 ante. It will be seen from the form that it is not only the Govt. servant that undertakes to give notice but Govt. also undertakes to give a month's notice or a month's pay in lieu of notice if he is dismissed otherwise than for serious misconduct before the completion of the work. The form of undertaking at page 1 ante is not suitable for all Deptts. but is peculiarly suited to Deptts. like the P.W.D. which emply large number of temp. staff. Please see in this connection X of para 4 of Secy. F.D.'s note dated the 12.3.46. In the circumstances therefore the form prescribed in para.4 of G.C , P & S.D., No.1581/34, dated the 9.8.47 need not be modified as suggested by the Superintending Engineer, S.C.

2. In view of what has been stated at 'A' of Secy. F.D.'s note referred to above, the orders in G.C., P.& S.D., No.1581/34, dated the 9.8.47 will not apply to temp. establishments in the P.W.D. which may continue to employ persons in those establishment on the same undertaking as in the form at page 1 ante.

3...

3. In para. 4 of its note the P.W.D. in. the undertaking in para. 4 of Govt. Cir., No.1581/34, date. the 9.8.47 may be taken in the form prescribed therein from the existing as well as the future ~~st~~ incumbents of temporary posts. This is not correct. The orders issued in the above circular are to take effect from the date of the issue of ~~hhose~~ those orders and not be given retropsective effect.

The paper may be returned to P.W.D. with this note through F.D.

Id/-

17-1-48.

Id/-

19/1/48

Id/-

19-1-48

u.o.r. to F.D.

No. S-51/11734-E.

Office of the Chief Engineer,
Public Works Department.
Poona- 1: 14th August, 1947.

To

The Accountant General, Bombay.

— One Month's notice of resignation
for the temprary post—

A temporary Govesmment Servant who has signed the ~~xxxx~~ declaration for temporary employees as required by Rule 570 of the Bombay Public Works Department Manual tenders resignation of his post by giving one month's notice and applies simultaneously for one month's earned ~~xxxxx~~ leave due to him so as to run it concurrently with the notice ~~xxxxx~~period. Another Government servant gave a month's notice of termination of his services while he was on earned leave.

2. Article 619 of ~~xxx~~ the Bombay Civil Services Rules lays down that leave cannot be claimed as a matter of right and that the authority empowered to grant leave may within his disretion refuse or revoke leave of any ~~xx~~ description. In the circumstances I am to request you to let me know whether earned leave due to a temporary Government servant and which he seeks to agail of concurrently with his notice period can be counted in the notice period or whether the leave period should be excluded ~~xxx~~ and the Government servant should be required to give a clear month's notice or forfeit a full month's pay in lieu thereof.

(Sd.) S.A.Joshi.
14/8/47.
for Chief Engineer,
Public Works Department.

No. DAIX.C.C./1644 Dated 29th October, 1947.

From

The Accountant General, Bombay.

To

The Chief Engineer, Public ~~Xxxxx~~ Works Department,
Poona.

Subject: One month's notice of resignation for the temporary.....

temporary post.

Reference: Your letter No. S-51/11734-E dated 14-8-1947.

In view of the orders issued in Government Political and Services Department Circular No.1581/34 dated 9-8-47 it is suggested that individual cases which are not covered by the orders referred to above, may be referred to Government for orders.

(Sd.)

Assistant Accounts Officer.

" True Copies."

Sd/-

for Superintending,

Office of the C.E., P.W.D., Poona-1.

Below copy of this office No.S-51/11734 -E dated 14th August 1947 together with the copy of the Accountant General, Bombay's reply No. D.A.IX.C.C./1644 dated 29th October 1947 regarding one month's notice of resignation for the temporary post.

No.S-51/16438-E.

Office of the Chief Engineer,
Public Works Department
Poona-1: 10th November1947

Copies forwarded to the Secretary to the Government of Bombay, Public Works Department , Bombay.

2. The question whether the period of earned leave during the one month's notice issued by a temporary Government servant, can be allowed to count towards the notice period has not been dealt with in the orders issued in Government Circular Memorandum Political and Services Department No.1581/34 dated 9th August 1947.

3. The appointments made in the Project Organisation so far, are on the reciprocal basis of one month's notice on either side as stipulated in Rule 570 of the Bombay Public Works Department manual and the words "Until further orders" are not there in the appointment orders.

4. The point referred to the Accountant General, Bombay, is of a general nature involving the treatment of earned leave during the notice period where such notice has to be given by the temporary employee.

5. Under these circumstances, Government may kindly be moved to issue early orders in the matter.

Sd/-

for Superintending Engineer,

Project Circle,

I/c. Office of the Chief Engineer,
Public Works Department.

9019/36/...

P. W. D.

E. B.(II).

The S.E., P.C., wants to know whether earned leave due to a tempy. Govt. servant which he seeks to avail of concurrently with his notice period can be counted in the notice period. When leave is duly sanctioned to a tempy Govt. servant, he continues to be in Govt. service and as such there seems no objection to a tempy. Govt's enjoying earned leave concurrently with his notice period. However, the P.& S.D. may see u.o.

Id/-
15/12/47.

Id/-

15/12/47

U.O. to the P.& S.D. dt. 16-12-47.

P and S.D. Br.

Whether or not earned leave applied for by a Govt servant should be granted depends on the exigencies of service and the question is left to the discretion of the head of the Deptt. or office concerned. Accordingly no general orders can be issued on the two points raised in the letter from the C.E., P.W.D. at P.1 ante.

P. and S.D.'s remarks on the two points are given below. On the question of a Govt. servant who gives a month's notice about his information to resgin and applies simultaneously for a month's earned leave, Since a Govt. servant cannot claim the earned leave whenever he requires it as a matter of rightx.It is for the Head of the Deptt, or office to dâcide whether the leave should be granted. It is open to him to refuse the leave or grant such part of it as he seems fit. The leave remaining after the expiry of the notice period or the balance if some leave is granted will lapse. No hard and fast rule can be laid down whether the leave should be granted as each case is to be judged on its merits. (In P.& S.D. itself there have been one or two cases in which persons who intend to resign but wanted to take leave before actually

.. permanent and temporary were refused earned leave ...re they actually resigned. There have been other cases in which leave- in some cases part of it- was granted).

On the other question , viz. about persons who give notice of their resignation while on leave, the case is the same as of the other type of persons dealt with in the foregoing para. The question whether the persons should be allowed to enjoy earned leave concurrently with the notice period or whether the leave granted to him should be revoked is left to the discretion of the head of Deptts. or office concerned.

The pps may be returned u.o. to P.W.D. If necessary that Deptt. may obtain the remarks of F.D. also.

Id/-

18.12.47

Id/-

20/12/47

This work received today 2/1/48

U.o.r. to P.W.D. Dt. 2/1/48.

Letter.

No.9019/36-E(EI).

Public Works Department,

Bombay Castle, 27th February 1948.

To

The Superintending Engineer, Southern Circle.

Subject: Temporary Government servants:

Termination of employment of -.

Reference: Your letter No.G.R.31(K), dated the 28th ~~September~~ October 1947.

2. The temporary establishment of this Department should be employed on the same undertaking as that prescribed in Public Works Department form No.143 e instead of that embodied in paragraph 4 of Government Circular , Political and Services Department, No.1581/34, dated the 9th August 1947.

By order of the Governor of Bombay,

Sd/-

1/3/48

(B. S. Vyas),

for Secretary to the Government of Bombay,

Public Works Department.

D.A.-Nil

Copy forwarded to-

the Political and Services Department,

the Finance Department.

Copies forwarded to-

the Electrical Commissioner, with the Government of Bombay,

~~the~~ other Superintending Engineers of Circles,

the Electrical Engineer to Government,

the Public Health Engineer to Government,

the Architect to Government,

all Executive Engineers of Divisions,

the Director, Development Department Chawls,

for information and guidance.